

REMARKS

In the last Office Action, the Examiner rejected claims 31-33, 41-43, and 114 under 35 U.S.C. § 102(e) as being anticipated by Davison (U.S. Patent No. 5,834,633); rejected claims 47, 48, and 50-57 under 35 U.S.C. § 103(a) as being unpatentable over Davison; rejected claims 34-36, 39, 40, 46, 48, 49, 58, 60-64, 67-71, 74, and 75-77 under 35 U.S.C. § 103(a) as being unpatentable over Davison in view of Byrne (U.S. Patent No. 4,902,117); rejected claims 34-37, 44, 45, 65, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Davison in view of Byrne and further in view of Ho (U.S. Patent No. 5,552,053); indicated that claims 38 and 66 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and allowed claims 78, 80-93, 100, 105, 109, 111, and 112.

Applicants appreciate the indication of allowable subject matter in claims 38 and 66 and the allowance of claims 78, 80-93, 100, 105, 109, 111, and 112. Applicants also thank the Examiner for the courtesies extended to Applicants' representative during the telephone interview on November 28, 2005. This Reply has been prepared in light of the topics discussed during the interview.

By this Reply, Applicants have amended independent claims 31, 50, 58, 114; canceled claims 44 and 72 without prejudice or disclaimer of the subject matter thereof; and amended the dependencies of claims 45 and 73.

Applicants respectfully traverse the rejection of claims 31-33, 41-43, and 114 under 35 U.S.C. § 102(e) as being anticipated by Davison for at least the reason that Davison fails to disclose every claim element. For example, independent claim 31, as amended recites a combination of elements including, *inter alia*, a receiving phase comprising "a solid phase material immobilised by being bound in or to a hydrophobic

solid support, the solid support comprising a matrix of fibres.” Similarly, independent claim 114 now recites a combination of method steps including, *inter alia*, “a hydrophobic support material comprising a matrix of fibres [and] a solid phase material bound to the hydrophobic support material and configured with a sufficiently high affinity for the micropollutants in the aquatic environment to accumulate the quantity of micropollutants.” Davison fails to disclose at least these claim elements.

As discussed during the interview, Davison discloses a receiving phase that includes resin particles packed within a gel layer. Because a gel is not a solid, this receiving phase of Davison does not constitute the claimed receiving phase, which includes a solid phase material immobilised by being bound in or to a hydrophobic solid support (i.e., as found in claim 31 and similarly in claim 114). Moreover, Davison fails to disclose a solid support for the receiving phase that comprises a matrix of fibres, as also included in both independent claims 31 and 114.

For at least these reasons, the Section 102(e) rejection of claims 31-33, 41-43, and 114 should be withdrawn.

Applicants respectfully traverse the rejection of claims 47, 48, and 50-57 under 35 U.S.C. § 103(a) as being unpatentable over Davison. No *prima facie* case of obviousness has been established with respect to claims 47, 48, and 50-57 for at least the reason that Davison fails to disclose or suggest every claim element. For example, Davison fails to disclose or suggest a receiving phase comprising “a solid phase material immobilised by being bound in or to a hydrophobic solid support, the solid support comprising a matrix of fibres,” as included in independent claim 31, on which claims 47 and 48 ultimately depend. Similarly, Davison fails to disclose or suggest a

receiving phase being a unitary element comprising a solid phase material immobilised by being bound in or to a hydrophobic solid support, the solid support comprising a matrix of fibres,” as included in independent claim 50, on which claims 51-57 ultimately depend.

Because Davison fails to disclose or suggest at least these claim elements, no *prima facie* case of obviousness has been established with respect to claims 47, 48, and 50-57. Accordingly, the Section 103(a) rejection of these claims should be withdrawn.

Applicants respectfully traverse the rejection of claims 34-36, 39, 40, 46, 48, 49, 58, 60-64, 67-71, 74, and 75-77 under 35 U.S.C. § 103(a) as being unpatentable over Davison in view of Byrne. No *prima facie* case of obviousness has been established with respect to claims 34-36, 39, 40, 46, 48, 49, 58, 60-64, 67-71, 74, and 75-77 for at least the reason that no combination of Davison and Byrne discloses or suggests every claim element. For example, Davison fails to disclose or suggest a receiving phase comprising “a solid phase material immobilised by being bound in or to a hydrophobic solid support, the solid support comprising a matrix of fibres,” as included in both independent claims 31 and 58, upon one of which claims 34-36, 39, 40, 46, 48, 49 and 60-64, 67-71, 74, and 75-77 ultimately depend. Byrne, which was cited only for its alleged disclosure of certain characteristics associated with the diffusion membrane, fails to remedy these deficiencies.

Because neither Davison nor Byrne, taken either alone or in combination, discloses or suggests every element of claims 34-36, 39, 40, 46, 48, 49, 58, 60-64, 67-71, 74, and 75-77, no *prima facie* case of obviousness has been established with

respect to these claims. Accordingly, the Section 103(a) rejection of these claims should be withdrawn.

Applicants respectfully traverse the rejection of claims 34-37, 44, 45, 65, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Davison in view of Byrne and further in view of Ho. As discussed above, no combination of Davison and Byrne discloses or suggests a receiving phase comprising “a solid phase material immobilised by being bound in or to a hydrophobic solid support, the solid support comprising a matrix of fibres,” as included in both independent claims 31 and 58, upon one of which claims 34-37, 44, 45, 65, 72, and 73 ultimately depend.

Ho fails to remedy the deficiencies of Davison and Byrne. Particularly, while Ho discloses a matrix or fibers (e.g., at col. 11, lines 42-46), these fibers are used to retain a polyamphiphilic polymer that, together with the fibers, forms a diffusion membrane for transferring a dissolved species from an aqueous solution on one side of the membrane to a stripping gas on the other side of the membrane. (Abstract). For at least the reason that this membrane does not retain the dissolved species, no part of this membrane constitutes the claimed receiving phase. It necessarily follows, therefore, that the fibers of this membrane cannot constitute the claimed “solid support” that binds the receiving phase.

Because none of Davison, Byrne, or Ho, taken either alone or in combination, discloses or suggests every element of independent claims 31 and 58, upon one of which claims 34-37, 44, 45, 65, 72, and 73 ultimately depend, no *prima facie* case of obviousness has been established with respect to these claims. Accordingly, the Section 103(a) rejection of claims 34-37, 44, 45, 65, 72, and 73 should be withdrawn.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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